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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 DERICK LOUANGAMATH,
15 Defendant.

Case No. 2:20-cr-00034 KJM
STIPULATION AND ORDER
REGULATING DISCOVERY
FED. R. CRIM. P. 16(d)(1)

STIPULATION

Pursuant to Fed. R. Crim. P. 16(d), the undersigned parties in United States v. Derick Louangamath, Case No. 2:20-cr-00034 KJM, stipulate and agree, and respectfully request that the Court order that:

1. The United States shall turn over additional material in this case to counsel for defendant Derick LOUANGAMATH (“DEFENDANT”) containing bates numbers with the prefix “PM” (referred to throughout this Stipulation as “The Protected Material”). At the time of the entry of this stipulation, The Protected Material consists of four documents bates numbered Louangamath_PM_00000001 through Louangamath_PM_00000016. Disclosure of The Protected Material to DEFENDANT may be required pursuant to the government’s discovery obligations and, even if not required, will facilitate the preparation of the DEFENDANT’s defense.

2. The Protected Material is now and will forever remain the property of the United States.

1 The Protected Material is entrusted to counsel for the DEFENDANT only for purposes of representation
2 of DEFENDANT during the pendency of the above-captioned case.

3 3. The purpose of this Order is to establish the procedures that must be followed by defense
4 counsel of record, any designated employees, and all other individuals who receive access to this
5 information or these documents in connection with this case.

6 4. Counsel for DEFENDANT shall not give The Protected Material to any person other than
7 counsel's staff assisting in preparation of the DEFENDANT's defense in the present case. The term
8 "staff" shall explicitly include attorneys, paralegals, and investigators assisting counsel for
9 DEFENDANT in the present case, and shall exclude any other defendant in this case, or any other
10 pending case against DEFENDANT, any other counsel hired, retained, or otherwise working on behalf
11 of DEFENDANT, or any other person other than those specifically described in this paragraph.

12 5. Any person receiving access to The Protected Material from counsel for DEFENDANT
13 shall be bound by the same obligations as defense counsel and, further, may not give The Protected
14 Material to anyone. No members of DEFENDANT's family, friends of the DEFENDANT, associates
15 of DEFENDANT, or other such associates of DEFENDANT shall be given access to The Protected
16 Material or its contents in any manner.

17 6. Counsel for DEFENDANT shall not make any copies, duplicates, or any recordings of
18 The Protected Material, except as provided for in Paragraph 8 of this stipulation. Counsel for
19 DEFENDANT may, however, take written or typed notes summarizing The Protected Material.

20 7. Counsel for DEFENDANT shall maintain a list of persons to whom any portions or
21 copies of The Protected Material are being or have been given. Such persons shall be provided with a
22 copy of this Stipulation and Order and shall sign their full names to a copy of the Stipulation and agree
23 to be bound by the Order and note that they understand its terms and agree to them by signing.

24 8. Counsel for DEFENDANT may use any and all of The Protected Material in the defense
25 of DEFENDANT in the instant case in any manner deemed essential to adequately represent the
26 DEFENDANT (i.e., in motions that are filed under seal, if necessary; in ex parte applications as may be
27 needed; and in reproducing and summarizing The Protected Material for use in trial or hearing
28 preparation summaries, exhibits, and as evidence, as may be needed), consistent with the Stipulation and

1 Order as it shall be originally prepared and signed. In the event defense counsel needs to use The
2 Protected Material in a manner not authorized under the present Stipulation and Order, counsel shall be
3 entitled to seek to have the Order amended by the District Court after having given notice to counsel for
4 the government in a hearing before the District Court.

5 9. Counsel for DEFENDANT and any members of counsel's staff or investigative team are
6 authorized to discuss with DEFENDANT the contents of The Protected Material. Counsel for
7 DEFENDANT and any members of counsel's staff or investigative team, however, are prohibited from
8 in any way giving DEFENDANT: any of The Protected Material, itself, copies of The Protected
9 Material, copies of excerpts of The Protected Material, or summaries of The Protected Material. This
10 prohibition will not extend to DEFENDANT viewing The Protected Material in open court or during
11 confidential meetings with counsel for DEFENDANT that are necessary to prepare the DEFENDANT's
12 defense, should any of these materials or summaries thereof be used in the litigation of this case.

13 10. Upon final disposition of the above-captioned case, including exhaustion of direct and
14 collateral appellate proceedings or at the end of counsel for DEFENDANT's ethical obligation to
15 maintain discovery in the file, counsel for DEFENDANT shall return The Protected Material to the
16 government, or certify in writing that The Protected Material has been destroyed.

Respectfully Submitted,

PHILLIP A. TALBERT
Acting United States Attorney

20 | DATE: 6/15/21

/s/ AARON D. PENNEKAMP
AARON D. PENNEKAMP
Assistant U.S. Attorney

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/s/ MIA CRAGER
MIA CRAGER
Counsel for Derick LOUANGAMATH

1 **ORDER**

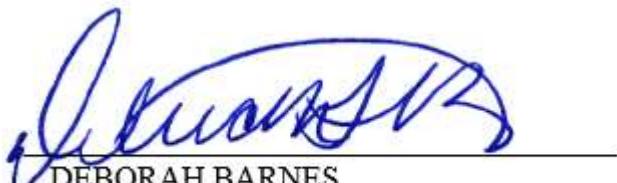
2 Based upon the agreement of the parties and pursuant to Rule 16(d) of the Federal Rules of
3 Criminal Procedure, the Court adopts the proposed stipulation regulating certain discovery in this case.
4 IT IS HEREBY ORDERED that each of the terms described in the stipulation of the parties shall govern
5 The Protected Material as defined in the stipulation in this case.

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7 **IT IS SO ORDERED.**

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9 Dated: June 16, 2021

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11 DEBORAH BARNES
12 UNITED STATES MAGISTRATE JUDGE

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